

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1749 of 2020

1. Prafulla Tamrakar S/o Late Kamlesh Tamrakar Aged About 44 Years R/o Bakhshi Marg, Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

1. Rajendra Shivare S/o Late Kriparam Shivare Aged About 58 Years R/o Khopali , Police Station Utai, District Durg Chhattisgarh.
2. State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh.

---- Respondents

For Applicant	Mr. Shobhit Mishra & Mr. Naveen Shukla, Advocates
For Respondent No.1	Ms Nand Kumari Kashyap, Advocate
For Respondent /State	Mr. Ravish Verma, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board10/03/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with complaint case No.8247/2019, registered at Police Station Utai, District Durg (CG), for the offence punishable under Sections 420, 467, 468 & 120-B/34 of the Indian Penal Code.

2. As per the private complaint lodged by the respondent No.1 Rajendra Shivare, the present applicant along with co-accused Veernarayan Singh, Rajkumar Singh, Manoj Mali, Lalbahadur Singh, Pooja Singh & Vimla Bai have committed criminal breach of trust, cheating, forgery and concoction of documents to defraud him of different amounts by forging the cheque belonging to his account and withdrawing hefty amount in the years 2011 & 2012.
3. Learned counsel for the State, *per contra*, would oppose the bail application.
4. On a reading of the compliant filed along with covering memo dated 2-3-2021, it is manifest that the cheques were presented for encashment before the concerned Bank in the years 2011 & 2012, however, it is not mentioned in the complaint as to the exact date when the complaint was lodged before the police. Only a bald statement is made that some complaints were made to the Station House Officer, Police Station Newai and the Superintendent of Police, Durg. The complaint itself has been filed in March, 2018 i.e. after 6-7 years of the incident.
5. Considering the entire facts situation of the case, this Court is inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- he shall make himself available for interrogation by a police officer as and when required;
- he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- he shall not influence the witnesses during pendency of the trial.

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri